IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No: 262 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 25/01/2005 in WP No. 745 OF 2005 on the file of the High Court.)

Between:

Sri Adilakshmi Filed Labour Society, being rep.by its President, Mr.D.Narayana Murthy,
Thondavaram, Ambajipet Mandal, E.G.District.

..... APPELLANT

AND

1 The District Collector, District East Godavari Dist. Head Quarters at Kakinada.
2 The Revenue Divisional officer, Amalapuram, East Godavari District.
3 The Mandal Revenue Officer, Ambajipet Mandal, Ambajipet, East Godavari District.

.....RESPONDENTS

Counsel for the Appellant: MR.NAGESWARA RAO TURAGA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORAL JUDGMENT:-

(per Honourable Sri Devinder Gupta, the Chief Justice)

The petitioner-appellant is aggrieved by the order of rejection of Writ petition. The petitioner-appellant had, in the writ petition, sought direction against the respondents to declare the inaction on the part of Respondent No.2 in not submitting the recommendation of the 3rd respondent to the first respondent relating to issuance of pattas to the members of the petitioner-society.

2. Members of the petitioner's society had filed applications for grant of assignment pattas to its members in respect of the scheduled land. As per the petitioner's society, the 1st respondent had referred the matter to the 3rd respondent, who, according to the petitioner-society, had on collection of material submitted its recommendations to the 2nd respondent. But, the 2nd respondent is not forwarding the same to the 1st respondent.

3. Learned Single Judge declined to issue any direction on the ground that it was only an administrative issue.

4. In such like matters, in our view, at least a direction could have been issued to the respondents for treating the writ petition as a representation and for taking decision thereupon in accordance with law. Accordingly, we allow the Writ Appeal, set aside the impugned order with a direction to the 1st respondent to treat the Writ Petition itself as a representation and pass appropriate orders in accordance with law within a period of three months from the date of receipt of writ order, and, in case, some information is stated to have been collected by the 3rd respondent, and submitted to the 2nd respondent, to call for the said information and also consider the same while

taking appropriate decision, and, in case, further information would be required, it is permissible for the first respondent to seek further information also as regards the entitlement of the members of the petitioner-society for assignment/grant of assignment pattas.

Ordered accordingly.

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DEVINDER GUPTA, C.J.

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B. SESHASAYANA REDDY, J.

Date: 23.02.2005
VR

To

1 The District Collector, District East Godavari Dist. Head Quarters at Kakinada.
2 The Revenue Divisional officer, Amalapuram, East Godavari District.
3 The Mandal Revenue Officer, Ambajipet Mandal, Ambajipet, East Godavari District.

4 2 CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

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